

V. JAMES DESIMONE (SBN: 119668)
CARMEN D. SABATER (SBN: 303546)
JENICA P. LEONARD (SBN: 245366)
V. JAMES DESIMONE LAW
13160 Mindanao Way Ste. 280
Marina Del Rey, California 90292
Telephone (310) 693-5561
vjdesimone@gmail.com
cds820@gmail.com
jleonard@bohmlaw.com
VJD000113@bohmlaw.com

Attorneys for All Plaintiffs

DANA A. SUNTAG, (SBN: 125127)
JOSHUA J. STEVENS, (SBN: 238105)
HERUM\CRABTREE\SUNTAG, LLP
3757 Pacific Avenue, Suite 222
Stockton, California 95207
Telephone: (209) 472-7700
dsuntag@herumcrabtree.com
jstevens@herumcrabtree.com

Attorneys for All Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KAREN SUTHERLAND, et al.

Plaintiffs,
vs.

CITY OF STOCKTON, et al.

Defendants.

Case No.: 2:21-cv-01855-WBS-AC

**STIPULATION AND ORDER TO
MODIFY PRETRIAL SCHEDULING
ORDER**

[No hearing requested]

1 All Plaintiffs and all Defendants, all through their undersigned counsel of record,
2 stipulate as follows:

3 RECITALS

4 A. On October 4, 2021, Plaintiffs filed this lawsuit. Plaintiffs are suing under
5 42 U.S.C. Section 1983 regarding the death of an individual.

6 B. On July 12, 2022, the Court issued a Status (Pretrial Scheduling) Order
7 scheduling a jury trial to begin on June 4, 2024, with a final pretrial conference
8 scheduled for April 8, 2024. (ECF No. 26.)

9 C. On September 25, 2023, pursuant to the parties' stipulation, the Court
10 issued an order amending the deadlines for the disclosure of expert witnesses and
11 rebuttal expert witnesses, the discovery cut off, and the motion filing cutoff, but leaving
12 the pretrial conference date and trial date intact. (ECF No. 46.)

13 D. Per the September 25, 2023, amended Scheduling Order, the discovery
14 cutoff is December 18, 2023. Counsel have been diligently engaged in discovery,
15 including both significant party discovery and third-party discovery. The parties have
16 completed written discovery. There are several defense outstanding subpoenas to third
17 parties. The only party deposition remaining to be completed is that of Plaintiff Karen
18 Sutherland.

19 E. The parties exchanged expert disclosures. Plaintiffs designated four
20 retained experts and four nonretained experts. Defendants designated six retained
21 experts and six nonretained experts. Defense counsel have noticed and subpoenaed
22 Plaintiffs' experts for deposition. Plaintiffs' counsel intends to conduct depositions of one
23 or more of Defendants' experts. Expert depositions are scheduled to start on
24 November 30, 2023.

25 F. On November 29, 2023, counsel discussed and agreed to go to mediation
26 to attempt to settle this case. The parties intend to schedule the mediation to occur as
27 soon as feasible.

G. The parties wish to extend the discovery cut off and all subsequent deadlines to allow them to focus their time and resources on settlement. This is especially true with respect to the multiple expert depositions to be conducted, as these create a large expense for both sides. The parties wish to defer those depositions pending a mediation.

H. The parties respectfully request a continuance of the upcoming dates in the Scheduling Order for this purpose.

I. When an act must be done within a specified time, the Court may, for good cause, extend the time with or without motion if the court acts, or a request is made, before the original time expires. Fed. R. Civ. P. 6(b)(1)(A). With respect to an order setting forth the Court's pretrial schedule, "[t]he district court may modify the pretrial schedule 'if it cannot be reasonably met despite the diligence of the party seeking the amendment.'" *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

STIPULATION

The parties, by and through their undersigned counsel, respectfully request the Court modify the Scheduling Order as follows:

Matter	Current Date	Proposed Date
Cutoff of All Remaining Discovery (depositions and third party discovery only)	12/18/2023	3/25/24
Motion Filing Cutoff Date	2/6/2024	6/4/2024
Final Pretrial Conference	4/8/2024	8/26/2024
Trial	6/4/2024	10/22/2024

Respectfully Submitted,

Dated: November 29, 2023

HERUM CRABTREE SUNTAG, LLP

By: /s/ Joshua J. Stevens

DANA A. SUNTAG

JOSHUA J. STEVENS

Attorneys for all Defendants

Dated November 29, 2023

V. JAMES DESIMONE LAW

By: /s/ V. James DeSimone

V. JAMES DESIMONE

JENICA P. LEONARD

Attorneys for all Plaintiffs

ORDER

The Court, having considered the parties' stipulation, and good cause appearing, rules as follows:

The relief the parties request is GRANTED, and the Scheduling Order is modified as follows:

Matter	Current Date	New Date
Cutoff of All Remaining Discovery (depositions and third party discovery only)	12/18/2023	3/25/24
Motion Filing Cutoff Date	2/6/2024	6/4/2024
Final Pretrial Conference	4/8/2024	8/26/2024 at 1:30 p.m.
Jury Trial	6/4/2024	10/22/2024 at 9:00 a.m.

IT IS SO ORDERED.

Dated: November 30, 2023



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE